



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF REGIONAL COUNSEL

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PLEASE DELIVER TO:

NAME: Yvonne Vallette
FAX: 503-326-3399
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OFFICE: 000

FROM:

NAME: Deborah Hilsman
PHONE: 206-553-1810

DATE: May 2, 2005

This transmission is 4 pages including this cover page.

ADDITIONAL MESSAGE: Attached is the ADR letter from Judge Biro that came in today. We have until May 13th to notify her office as to whether we are willing to participate in ADR. Lets discuss tomorrow during our call at 11:30am. Tom Jahnke and I will call you.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Mail Code 1900L

April 29, 2005

Chief
Administrative Law Judge

Deborah Hilsman, Esquire
Assistant Regional Counsel
U.S. EPA
1200 Sixth Avenue, ORC-158
Seattle, WA 98101

Re: Robert E. Kerivan & Bridgeview Vineyards, Inc.
Docket No. CWA-10-2005-0124

Dear Ms. Hilsman:

This Office, the Office of Administrative Law Judges, offers an Alternative Dispute Resolution (ADR) process to facilitate the settlement of cases. Please inform my legal staff assistant, Maria Whiting-Beale by May 13, 2005, as directed below, whether you accept or decline this offer to participate in ADR in an effort to settle the above cited case. The ADR process will be conducted pursuant to the Dispute Resolution Act of 1990, 5 U.S.C. §§ 571-583, by a Judge of this Office serving as a neutral. The process will be entirely voluntary and completely confidential; both these points, together with general procedures, are reviewed below.

Voluntary ADR will be used in a case only if both EPA and Respondent accept ADR; the choice to use or not to use ADR does not prejudice either party. If ADR is utilized, either party may terminate the ADR process at any time.

Confidential The ADR process will be conducted in a confidential manner, in accord with Section 584 of the Dispute Resolution Act of 1990. The Judge who serves as the neutral will not disclose to anyone the contents of any of the parties' ADR communications.

Procedures A Judge in this Office will serve as a neutral mediator. The ADR Judge will ordinarily begin by arranging a telephone conference with the parties to establish procedures. The specific role the ADR Judge will play will be determined after consultation with the parties. This Office has access to videoconferencing equipment and, with the consent of the parties, where deemed appropriate, the neutral may employ such equipment in the ADR process.

Authorization to Commit For the ADR process to be effective, the persons communicating with the neutral must either have authority to commit his or her side to a settlement, or have ready access to somebody with such authority.

Duration Unless terminated earlier by either party, the ADR process will continue for 60 days from the date of the case assignment to the ADR Judge; after that time, if no settlement has been reached, the case will be assigned to another Judge to commence the litigation process.

Follow Up At the termination of the ADR process, I will send the parties a questionnaire to elicit their views and experience with the process. The contents of individual questionnaires will be kept confidential and will be made available to the neutrals and others only in a composite format.

Again, please inform Maria Whiting-Beale by **May 13, 2005**, whether you accept or decline the ADR process that I have described. It is preferred that you inform Ms. Whiting-Beale by e-mail at: Whiting-Beale.Maria@epa.gov or by letter sent via facsimile to (202) 565-0044. However, you may inform her by calling this Office, (202) 564-6271, and leaving a message for her, or by letter *received in this Office on or before the due date*. The mailing address if sent by mail is: U.S. EPA, Office of Administrative Law Judges, Mail Code 1900L, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-2001. **For hand-delivery by Federal Express or another delivery service which x-rays packages as a routine security procedure, the address is: U.S. EPA, Office of Administrative Law Judges, 1099 14th Street, N.W., Suite 350, Washington, DC 20005.**

Your e-mail, fax, letter or phone message must state: (1) your name, (2) the name of the party you represent, (3) the name(s) of the respondent(s) named in the complaint, (4) the docket number, and (5) whether you want ADR or do not want ADR. You may also inform Ms. Whiting-Beale as to whether another party in the case accepts or declines ADR, if that party has requested that you convey that information on that party's behalf. In that event, your e-mail, fax letter or phone message must state, in addition: (1) the name and telephone number of the person who requested you to convey the message, (2) the name of the party represented by that person, and (3) whether that party wants ADR or does not want ADR.

If you have another party in the case convey a message that you want ADR, then you should confirm, on or before the due date stated herein, that this Office has received the message.

If no response is received in this Office by the deadline from you or another party on your behalf, it will be assumed that you **do not** wish to participate in ADR and the case will be assigned immediately to a Judge for litigation. **Absolutely no extension of the deadline for deciding whether you wish to participate in ADR will be granted.** However, the

ADR described above may be available later in the litigation process upon joint motion of all parties to initiate ADR, granted at the sole discretion of the presiding litigation Judge.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Biro', with a stylized flourish at the end.

Susan L. Biro
Chief Administrative Law Judge

cc: Clarence H. Greenwood, Esquire
Carol D. Kennedy, Regional Hearing Clerk